





PALM BAY POLICE DEPARTMENT
Executive Division

INTEROFFICE MEMORANDUM

TO: Chief Jim Rogers 
FROM: Sgt. Michael Smith 
DATE: August 4, 2017
SUBJ: Administrative Review for DR# 17-001658

Summary

On February 15, 2017, at 1751 hours, officers were dispatched to 103 Americana Blvd in reference to a potentially suicidal subject, Andrew Pastor. Dispatch had received a call from a neighbor who advised that Pastor's mother had called her and advised that Pastor had locked himself in his bedroom. Pastor's mother was worried that Pastor was going to hurt himself. Pastor's mother did not want to call the police herself as she was worried Pastor would hear her calling, but asked the neighbor to do so.

Upon arrival, Officers Duane Smith and Peter Dolci spoke with Pastor's mother who advised them that her son (68 years old) had numerous health problems, had not eaten all day, had not taken his medications, had not come out of his room, and had made comments that he did not want to live any longer. The officers then made contact with Pastor by speaking to him through his closed bedroom door.

During that conversation, the officers attempted to get Pastor to come out of his room and speak with them. Pastor advised them that if they didn't leave his house, he would count to three and come out shooting.

Soon after warning the officers of his intentions, Pastor exited his room with a loaded firearm and Officers Smith and Dolci fired at Pastor, striking him in the arm. Pastor was later transported to Holmes Regional Medical Center for treatment. The scene was secured and the Palm Bay Police Department Criminal Investigations Unit and FDLE began an investigation into the incident. As a result of the investigation, both Officers Smith and Dolci were cleared by the Office of the State Attorney in a letter dated May 11, 2017. State Attorney Phil Archer wrote to Agent Mark Mynheir of FDLE, stating, *'We have reviewed the investigative summary and electronic case file and concluded that the use of force by Officers Dolci and Smith was lawful and proper under the provisions of Chapter 776, Florida Statutes.'*

Investigation:

Pursuant to the conclusion of the FDLE investigation, the Palm Bay Police Department Office of Professional Standards has conducted a full review of all case materials, to include; 911 call and radio traffic; officer written reports and case other documentation; FDLE investigation documentation.

Conclusion:

It is the opinion of the Office of Professional Standards that the force used by Officers Duane Smith and Peter Dolci was appropriate and within Palm Bay Police Department policy **G.O. 201.3 (A)(1) Use of Force in Defense of Person** – An officer or DBS is justified in the use of deadly force only if they reasonable believe that such force is necessary to prevent imminent death or great bodily harm to themselves or to prevent the imminent commission of a violent felony

Officers Smith and Dolci were justified in the use of deadly force by discharging their firearms at a perceived threat to protect themselves. The Office of Professional Standards finds that no further action is required regarding this matter

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End of Report.